

**April 4, 2016
Springfield, Missouri**

The City Council met in regular session April 4, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call	Present: Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, and Bob Stephens. Absent: None.
Minutes	The minutes of March 21, 2016 were approved as presented.
Consent Agenda	The Consent Agenda was finalized and approved as amended. Anita Cotter, City Clerk, informed Council she had received a request to remove Council Bill 2016-067 from the Consent Agenda Second Reading Bills. She noted this item will be added for consideration under Second Reading Bills.
Adding Emergency Council Bills to Agenda	Mayor Pro Tem McClure moved to add three Council Bills to the agenda. Councilman Burnett seconded the motion and it was approved by voice vote. Anita Cotter, City Clerk, informed Council that Council Bills 2016-071, 2016-072, and 2016-073 will be added to the agenda under Emergency Bills.

CEREMONIAL MATTERS

City Managers report and responses to questions raised at the previous City Council meeting:

Tim Smith, Deputy City Manager, provided answers to four questions from the March 21, 2016 City Council meeting. In response to a question regarding the number of current taxi drivers under the age of 30, Mr. Smith stated there are no taxi drivers between the ages of 18 and 21. In response to a question regarding the age of the vehicles-for-hire bill, Mr. Smith stated the original chapter was repealed and replaced on April 12, 1976. This bill was repealed again on April 15, 1996. He noted after the 2001 adoption of the City Code there were additional changes made, however, those changes were more specific to particular sections. Mr. Smith stated a history of these changes is available upon request. In response to a question regarding the comparison of the proposed Transportation Network Companies Council Bill, Mr. Smith stated these comparisons have been provided to each Council member. In response to a question regarding potential shelter sites, Mr. Smith stated staff is updating the map of potential shelter sites and will provide it to the Veterans Coming Home center in the next few weeks.

Mr. Smith noted there will be a Special Election on April 5, 2016. He stated the 1/8-cent Transportation and 1/4-cent Capital Projects sales tax renewals are on the ballot and if they pass, there will be no tax increases. Mr. Smith noted the City relies on the revenues from these two taxes to maintain, repair and build major roadways, bridges and other infrastructure. He stated more information is available at springfieldmo.gov/election.

Mr. Smith noted Missouri State University is hosting best-selling author Robert Putnam. He stated Dr. Putnam has written several books including *"Our Kids"*

and *“Bowling Alone”* and he is well-known for his focus on addressing childhood poverty. Mr. Smith encouraged everyone to attend one of the sessions.

Mr. Smith noted the Zone Blitz Plan Review is scheduled for April 14, 2016 at the Northwest Senior Center, from 6:00 p.m. to 7:00 p.m. He stated residents, topic team coaches, members, and partners will be invited.

Mr. Smith noted a Convoy of Hope event is scheduled for May 7, 2016 at the Ozark Empire Fairgrounds. He stated Convoy of Hope has teamed with the City and dozens of local churches, nonprofit organizations and service providers to make this a day of fun and hope for those needing a little assistance.

Mr. Smith noted the Parks Department provided their regular update to Council. He stated the Lasers Professional Tennis Team drafted John Isner, the number one male tennis player in America, for a second consecutive season with the Lasers. Mr. Smith noted Isner is currently ranked number 13 in the world and will appear in Springfield this year.

Mr. Smith noted Zim Schwartze, Director of Springfield-Greene County 9-1-1 Emergency Communications, was named the Missouri 9-1-1 Director of the Year at the annual Missouri Public Safety Communicators Conference. He stated she was praised for her forward thinking and spirit of cooperation, which led to strong collaboration between southwest Missouri 9-1-1 operations.

Mr. Smith noted a letter from the Community Partnerships’ Continuum of Care has been provided to Council. He stated the Continuum recognizes the City has been very active in working to address the challenge of homelessness. Mr. Smith noted the letter further describes the roles and responsibilities of the Continuum and outlines efforts that are being taken collectively by the City, service agencies, the faith communities, and advocates alike to create a true system of care for those in need.

The following bills appeared on the agenda under Second Reading Bills:

FY16 CDBG and HOME Investment Partnership Program

Sponsor: McClure. Council Bill 2016-056. A special ordinance authorizing the City Manager, or his designee, to make application to the U.S. Department of Housing and Urban Development (HUD) for the Federal Fiscal Year 2016 Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds under the Consolidated Plan, to accept CDBG and HOME funds; to enter into any necessary agreements to carry out the grants; to exercise any and all powers necessary to implement selected projects; and to select projects for funding for the City of Springfield Fiscal Year 2016-2017; and reaffirming the Community Development Objectives and Priorities set out in “Exhibit C.” (Staff and Citizen Advisory Committee for Community Development recommend approval.)

Council Bill 2016-056. Special Ordinance 26708 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

Rezoning 540 & 550 East Chestnut Expressway

Sponsor: Ferguson. Council Bill 2016-057. A general ordinance amending Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning

approximately 0.62 acres of property generally located at 540 & 550 East Chestnut Expressway from an HM, Heavy Manufacturing District to a GR, General Retail District; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval.) (By: William P. Brandt Properties, LLC; 540 & 550 East Chestnut Expressway; Z-2-2016.)

Council Bill 2016-057. General Ordinance 6270 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Conditional Use Permit
No.420, 522 West
McDaniel Street**

Sponsor: Schilling. Council Bill 2016-058. A special ordinance authorizing the issuance of Conditional Use Permit No.420 to allow a brewery within a CC, Center City District generally located at 522 West McDaniel Street.

Council Bill 2016-058. Special Ordinance 26709 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Blaine Street Frontage

Tabled Until April 18,
2016 Council Meeting**

Sponsor: McClure. Council Bill 2016-059. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Division IV, Subdivision III, Section 36-425(7), Design Requirements, of the COM, Commercial Street District in the Zoning Ordinance to clarify Blaine Street Frontage and new construction requirements.

Councilwoman Ferguson moved to table Council Bill 2016-059 until the next regularly scheduled Council Meeting on April 18, 2016. Mayor Pro Tem McClure seconded the motion and it was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Reasonable
Accommodation Policy
and Procedure**

Sponsor: Fishel. Council Bill 2016-060. A general ordinance amending Chapter 36 of the Springfield, Missouri City Code, known as the Land Development Code, by adding a new section, to be known as Section 36-336, Reasonable Accommodation Policy and Procedure, to Article III, Division 3, Subdivision I.

Council Bill 2016-060. General Ordinance 6271 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Term Limits for Planning
and Zoning Commission**

Sponsor: Fisk. Council Bill 2016-061. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Zoning Regulations, Division 3, Administration, Enforcement, and Review, Subdivision II, Commissions and Boards, Section 36-350, Planning and Zoning Commission, subsection (1), Composition of Commission.

Council Bill 2016-061. General Ordinance 6272 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Term Limits for
Landmarks Board
Members**

Sponsor: Fulnecky. Council Bill 2016-062. A general ordinance amending Chapter 36 of the Springfield City Code, known as the Land Development Code, Article III, Zoning Regulations, Division 3, Administration, Enforcement, and

Review, Subdivision II, Commissions and Boards, Section 36-353, Landmarks Board by amending subsection (3), Terms of membership.

Council Bill 2016-062. General Ordinance 6273 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**South Market Avenue,
Blighted Area**

Sponsor: Schilling. Council Bill 2016-063. A special ordinance declaring the area generally located along the east side of South Market Avenue, between West Mount Vernon Street and West Harrison Street, as a blighted area pursuant to the Land Clearance for Redevelopment Authority Law. (The Land Clearance for Redevelopment Authority (LCRA) recommends denial. Staff recommends approval.)

Councilman Fishel expressed his opinion it is in the City's best interest for the City to move forward with demolishing the property and placing a lien on the property to recoup the demolition expenses. He stated he does not support the proposed and noted this is the first time he has not voted in favor of a tax abatement.

Councilman Hosmer expressed his opinion the Land Clearance for Redevelopment Authority (LCRA) has only recommended denial for abatement twice that he is aware of and the property was going to be demolished before the current owner purchased it. He expressed his opinion the City is incentivizing property owners who allow their property to become run-down and ignore notices from the City with tax abatements worth, in some cases, up to five times more than the cost of demolition. Mr. Hosmer expressed his opinion the proposed is bad public policy and not a proper use of the tax abatement process.

Councilman Schilling expressed his opinion the proposed is unfair to the tax payers who properly maintain their properties. Mary Lilly Smith, Director of Planning and Development responded this property did go through the public hearing process once it was designated as a blighted property and has a pending abatement order and must be demolished by May 3, 2016. Mr. Schilling asked for clarification on how far back records indicate problems with this property. Ms. Smith responded the record shows the number of contacts with the property owner and the attempts to get the property cleaned up prior to it being designated a dangerous building. Ms. Schilling expressed his opinion the proposed incentivizes property owners to not properly maintain their property.

Councilwoman Fulnecky asked if all blighted properties are demolished by the developer. Ms. Smith responded blighted properties are either rehabilitated or demolished. She stated the purpose of the LCRA is to remediate blight through rehabilitation or demolition and construction of something new. Ms. Fulnecky asked for clarification on whether the proposed is a vote on a blight designation or tax abatement. Ms. Smith responded the proposed is for a designation of blight. She stated for the developer to receive a tax abatement, a blight designation must be approved and the developer will then have to submit a redevelopment plan for approval. Ms. Fulnecky expressed her opinion Council should follow their rules on economic development incentives.

Councilwoman Ferguson stated she will not support the proposed. She expressed

her opinion the current owner knew the property was on the dangerous building list and left the property in its current condition for a period of time in the knowing the property was blighted. She expressed her opinion the property owners purchased the property knowing all of the facts and were going to expect the City to cover the costs of demolition.

Councilwoman Fisk asked Councilwoman Ferguson if the property owner purchased the property recently. Councilwoman Ferguson responded in the affirmative.

Mayor Pro Tem McClure stated he supports the proposed. He expressed his opinion Chapter 99 is clear on the requirements for a blight designation and Council should the guidance in this chapter. Mr. McClure expressed his opinion the current owner purchased the property knowing the blight designation process was the only method available for dealing with this property. He stated he fears if the proposed is not approved, the building will be demolished and the lot will be vacant for years.

Council Bill 2016-063. Special Ordinance 26710 was approved by the following vote: Ayes: Fisk, Fulnecky, Burnett, McClure, and Stephens. Nays: Hosmer, Ferguson, Schilling, and Fishel. Absent: None. Abstain: None.

West Wye Connector Project

Sponsor: Hosmer. Council Bill 2016-068. A special ordinance authorizing the City Manager, or designee, to enter into a Real Estate Transfer Agreement with BNSF Railway Company (BNSF), to transfer certain property underlying the West Wye Connector project (the "Project") to BNSF, and finding that the Project supports the public purposes of improving public safety, providing a more efficient rail system, and promoting economic development in central Springfield.

Sarah Kerner, Interim Director of Economic Development, provided an update on train traffic for this area. She stated the crossing at Farm Road 123 has a daily average of 36 trains, and the Meteor Avenue crossing has an average of 22 trains per day. Ms. Kerner noted the combined daily average of trains at the Eldon Avenue crossing is 58 trains. She stated based upon seasonal requirements BNSF anticipates the number of trains using the West Wye Bypass will be approximately 30 percent of the current daily train traffic.

Mayor Pro Tem McClure asked for clarification on the costs of the planned subsequent projects. Ms. Kerner expressed her opinion the 2006 Rail Study attempted to estimate costs for each of the projects, but after ten years it would be difficult to estimate what the current cost projections might be. Mr. McClure asked if the subsequent projects list is in priority order. Ms. Kerner responded the subsequent projects are not listed in project priority. She stated the information provided depicts the scheduling of each project and which projects must be completed prior to other projects starting. Mr. McClure asked if the West Wye project is critical to the planning of the rest of the proposed projects. Ms. Kerner responded in the affirmative.

Councilwoman Ferguson expressed her opinion the proposed will be beneficial to the residents in the surrounding neighborhoods.

Councilman Schilling asked for clarification on whether there are more trains using the West Wye Bypass than just the trains delivering coal to the Southwest Power Plant. Ms. Kerner responded in the affirmative.

Councilwoman Fisk asked for clarification on the affected rail crossings. Ms. Kerner responded those crossings are Farm Road 123, Meteor Avenue, and Eldon Avenue.

Mayor Stephens noted Council has been discussing the West Wye Bypass since at least 2009 and expressed his opinion it is good to be completing this project.

Councilman Schilling expressed his opinion the original cost of all projects identified in the 2006 Rail Study was \$180 Million.

Council Bill 2016-068. Special Ordinance 26711 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

**Homeland Subdivision
Stormwater Improvement
Project, 1705 North
Colgate Avenue**

Sponsor: Ferguson. Council Bill 2016-067. A special ordinance declaring the necessity to condemn right-of-way over, under, and through the property located at 1705 North Colgate Avenue for the Homeland Subdivision Stormwater Improvement Project.

Mayor Pro Tem McClure asked for clarification on the need for the proposed.

Dan Smith, Director of Public Works, gave a brief overview of the proposed. He stated the property at 1705 North Colgate Avenue is a rental property and the City has had a difficult time contacting the owner. Mr. Smith noted the proposed is an attempt to move forward with the Stormwater Improvement Project in order to stay on schedule and is a temporary construction easement.

Councilwoman Fulnecky asked for clarification on the location of the easement. Mr. Smith provided the location and explained the need for the easement.

Councilwoman Ferguson expressed her opinion of how important this project is to the neighborhood.

Anita Cotter, City Clerk, informed Council the proposed was a second reading bill on the Consent Agenda and was first read at the April 4, 2016 City Council meeting.

Council Bill 2016-067. Special Ordinance 26712 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

RESOLUTIONS.

**Transportation Plan
Element**

Sponsor: Fisk. Council Bill 2016-074. A resolution amending the Transportation Plan element of the Springfield-Greene County Comprehensive Plan of the City of Springfield, Missouri, by adopting new Figures 20-2 and 20-9 to update the Major Thoroughfare Plan. (Planning and Zoning Commission and staff recommend approval.)

Martin Gugel, Assistant Director of Public Works, gave a brief overview of the proposed. He stated Council adopted the Springfield-Greene County Comprehensive Plan's Transportation Element on June 11, 2001. Mr. Gugel noted the Major Thoroughfare Plan is a very important document to City staff and developers since it represents future roadway functions and provides the overall framework for making decisions on thoroughfare improvements, relocations, extensions, and new streets throughout the City. He stated the plan identifies locations of future major transportation corridors and serves as a general guide for securing rights-of-ways. Mr. Gugel noted the proposed amendments are in compliance with the goals set forth in the Transportation Plan.

Mayor Pro Tem McClure asked if other communities are involved in this process. Mr. Gugel responded in the affirmative. Mr. McClure asked for clarification on whether the number of changes for Springfield is considered significant. Mr. Gugel responded the amendments are in affect until the next plan review with the Ozarks Transportation Organization. He stated the goal is to review the plan annually, but the long-range transportation plan is reviewed every five years. Mr. Gugel noted 37 changes are not significant when compared to the number of streets Springfield has on the plan and compared to other communities. Mr. McClure asked for clarification on how staff uses the thoroughfare plan. Mr. Gugel responded as new development plans are submitted for review, these plans are compared to the thoroughfare plan to determine if rights-of-way are required and whether new streets are required to be part of the development.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

Council Bill 2016-074. Resolution 10263 was approved by the following vote:
Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

PUBLIC HEARING.

FIRST READING BILLS.

Project Water Education for Teachers (WET)

Sponsor: Burnett. Council Bill 2016-075. A special ordinance authorizing the City Manager, or his designee, on behalf of the City of Springfield, Missouri, to enter into an agreement with Missouri State University (MSU), Greene County, and the Watershed Committee of the Ozarks (WCO) to participate in supporting and implementing Project Water Education for Teachers (WET), a water quality education program for Springfield and Greene County, Missouri.

Barbara Lucks, Sustainability Officer, gave a brief overview of the proposed. She stated the purpose is to further the partnership between the City, Missouri State University (MSU), and the Watershed Committee of the Ozarks to support and implement water quality education. Ms. Lucks noted Project WET, or Water Education for Teachers, is an international nonprofit environmental education program for kindergarten through 12th grade. She stated the proposed supports the City's clean water education and public outreach mandates. Ms. Smith noted this partnership has been in place since 2008 and the City's contribution is \$10,000 per year. She stated the proposed is a two-year contract for the years of 2016-2017 with a potential for renewal. Ms. Lucks noted Greene County will also contribute \$10,000, the Watershed Committee of the Ozarks will furnish the field office and financial contributions when they can, and MSU will contribute furnishes the office, webspace, expenses, and provides a full-time employee to support this program.

Councilwoman Fulnecky asked for clarification on the mandate. Ms. Lucks responded public education and outreach is a requirement of the City's Municipal Separate Storm Sewer Systems (MS4) permit. Ms. Fulnecky asked if the mandate allows for local control. Ms. Lucks responded in the affirmative.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

Sculpture Walk

Sponsor: Fisk. Council Bill 2016-076. A general ordinance amending the Springfield City Code by repealing language contained in Chapter 98 Streets, Sidewalks and Public Places, Article I in General, Section 98-8 Outdoor Sculptures; and adding new regulations for Sculpture Walk.

Mayor Pro Tem McClure moved to amend Council Bill 2016-076, section 98-8, line 29 by removing, "or his designee". He expressed his opinion with the latitude being given to staff, it is in the best interest of the City to have the Director of Public Works make all approval decisions as opposed to designating that responsibility.

Councilman Burnett seconded the motion and approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

Martin Gugel, Assistant Director of Public Works, gave a brief overview of the proposed. He stated over the past several years, the City has received various proposals concerning finding ways to integrate and display public art. Mr. Gugel noted Jubilee Park was the first venue of displaying public art. He stated the proposed will allow sculptures to be displayed in right-of-ways in locations that do not adversely effect pedestrian or vehicular traffic. Mr. Gugel noted the proposed requires the permittee to enter into a contract with the City outlining liability concerns and the procedures for displaying sculptures on City property.

Councilman Fishel asked for clarification of who determines the appropriateness of the artwork. Mr. Gugel responded for the upcoming Springfield Sculpture Walk event, a committee comprised of members of the Sculpture Walk and Springfield Regional Arts Council along with members of City staff, reviewed and approved submissions. He stated for future events applications must be

submitted to the Director of Public works for review of proposed location and content. Mr. Gugel noted content will be reviewed for appropriateness of the sculpture. Mr. Fishel asked if they will control content. Mr. Gugel responded in the affirmative and stated content will be reviewed to determine its appropriateness to be displayed in a public right-of-way.

Councilwoman Ferguson asked for clarification on insurance, liability, and how other communities approached this. Marianne Banks, Interim City Attorney, responded she is not aware of how other communities approached this subject. She expressed her opinion the committees involved with the proposed have talked with other cities to determine what their requirements were. Ms. Banks noted Springfield started with the same procedures used for licenses to encroach. She stated to encourage public art, the City has been able to utilize their fine arts policy that covers the Art Museum as well as the City's general liability policy to cover this year's Sculpture Walk project. Ms. Banks noted for future years, the contract will be written to cover the art being displayed and she expressed her opinion insurance costs will be determined by the value of that art.

Councilwoman Fulnecky asked for clarification on attaching the artwork to the concrete. Mr. Gugel responded there will be pedestals attached to the concrete sidewalks and the sculptures will be fastened to the pedestals. Ms. Fulnecky asked if the artist will own the sculpture and if the City will own the pedestal. Mr. Gugel responded in the affirmative.

An opportunity was given for citizens to express their views.

Robert Carolla spoke in support of the proposed. He stated he has been working on the proposed for four years to create a museum without walls. Mr. Carolla noted the sculpture selection committee was headed by Nick Nelson, Director of Springfield Art Museum.

Nicole Brown spoke in support of the proposed. She stated in February 2016, the selection committee chose 12 sculptures to be displayed. Ms. Brown noted all sculptures will be displayed in downtown Springfield. She stated many of the sculptors are from the Ozarks. Ms. Brown noted the sculptures will be loaned to the City for one year and new sculptures will be chosen for display the next year.

Councilwoman Fulnecky asked if Springfield Sculpture Walk is a 501C3 organization. Ms. Brown responded in the negative.

Councilwoman Fisk asked for clarification on the Cities this project is modeled after. Mr. Carolla responded Sioux Falls, South Dakota and St. Joseph, Missouri. Ms. Brown stated Cape Girardeau, Missouri has a similar program the committee reviewed. Ms. Fisk asked for clarification on future plans. Ms. Brown noted this first event will start at the Square and will expand to all points throughout the City.

With no further appearances, the public hearing was closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

Did Not Appear

Mr. Phillip Benton wishes to address City Council.

The following appeared on the agenda under New Business:

Coal Tar

Refer to the Plans and Policies Committee the issue of public notification and remediation costs in conjunction with the use of coal tar parking lot sealant.

Mayor Pro Tem McClure moved that Council deny the referral to the Plans and Policies Committee. Councilman Fishel seconded the motion and it was discussed.

Mayor Pro Tem McClure expressed his opinion the resolution to refer is very broad in its statements and refers to a 2012 study by Missouri State University (MSU), but does not refer to a 2015 study which states the 2012 MSU study was flawed. Mr. McClure expressed his opinion that Asphalt Emulsion Sealant, an alternative to Coal Tar lasts about half as long as Coal Tar, is more expensive than Coal Tar, and several businesses have gone back to Coal Tar after using the alternative material. He expressed his opinion the resolution asks the City to do something it cannot do. He stated the resolution requires the City to notify citizens who live within 185 feet of a parking lot using a Coal Tar sealant. Mr. McClure expressed his opinion the City does not know how many parking lots use a Coal Tar sealant. He expressed his opinion if the proposed is approved, the City should be required to notify citizens living next to an parking lot using an Asphalt Emulsion sealant that they run the risk of tracking Asphalt Emulsion into their homes and automobiles. Mr. McClure expressed his opinion the marketplace is working, technology continues to improve, and business will make the right choices for what works best for them.

Councilman Schilling spoke in opposition to the motion. He stated his intention for submitting the resolution is based on the Maine Avenue clean up being conducted by City Utilities at a cost of \$7 Million. Mr. Schilling urged Council to reject the motion and refer his resolution to the Plans and Policies Committee.

Councilman Hosmer spoke in opposition to the motion. He stated Coal Tar has been designated a carcinogen. Mr. Hosmer noted there is proof there has been a migration of Coal Tar from the parking lots into the City's drainage basins. He expressed his opinion the City will incur costs associated with Coal Tar clean ups in the future. Mr. Hosmer stated the resolution is only asking for the Committee to discuss this issue. He stated not referring this resolution to the Committee does not make good public policy and creates a public health risk.

Councilwoman Fulnecky stated she does not support the resolution as it is written. She expressed her opinion as long as two Council members want to refer a matter to committee, Council should support that request.

Councilman Fishel expressed his concern that requiring businesses to replace the Coal Tar sealant on their parking lots would be economically catastrophic to all businesses.

Councilman Schilling noted numerous communities all around the country have banned this substance. He stated he is not asking to ban Coal Tar sealant, but wants to have the opportunity for the Committee to discuss the issue.

Councilwoman Ferguson asked for clarification on the results of the previous discussions on this issue. Tim Smith, Deputy City Manager, noted he was not employed by the City at that time, but does remember it being a controversial issue. He stated experts came to City Council meetings and expressed opinions on both sides of the issues. Mr. Smith expressed his opinion no action was taken by Council and the issue has been pending since that time.

Councilman Hosmer stated the resolution is only asking for referral to Committee not a solution to the Coal Tar problem.

Mayor Stephens noted Coal Tar has been discussed twice previously and stated several businesses have gone back to using Coal Tar sealant after replacing it with the Asphalt Emulsion sealant.

Mayor Pro Tem McClure stated the 2015 study seriously undermined the 2012 MSU study. He noted there have been mitigation measures put in place and he expressed his opinion these processes are working.

Councilman Hosmer asked for clarification on the referral process. Ms. Banks noted the City Charter does not specifically address the referral process other than saying it is good policy to refer issues to committees.

Councilwoman Ferguson asked for clarification on when the last time Council addressed this issue. Mr. Smith expressed his opinion it would have been at least 2012-2013.

Councilwoman Fulnecky expressed her opinion the matter should be referred to Committee for discussion.

Councilman Hosmer noted only one member of Council was a member of Council the last time this issue was discussed. He urged Council to refer the matter to the Plans and Policies Committee.

Mayor Pro Tem McClure expressed his opinion the Council should focus their attention to issues which have a chance of making a difference and this resolution does not do that.

The motion to deny referral to Committee was approved by the following vote: Ayes: Fisk, Ferguson, Fishel, McClure, and Stephens. Nays: Hosmer, Fulnecky, Schilling, and Burnett. Absent: None. Abstain: None.

UNFINISHED BUSINESS.

MISCELLANEOUS.

The following bill appeared on the agenda under Consent Agenda First Reading Bills:

**Cost Apportionment
Agreement HMTc
Route EE and North
Airport Boulevard**

Sponsor: Ferguson. Council Bill 2016-077. A special ordinance authorizing the City Manager, or his designee, to enter into a cost apportionment agreement with the Missouri Highways and Transportation Commission (MHTC), to share costs associated with the improvement of both Route EE and North Airport

Boulevard.

Contract Number 2015-0720 with Environmental Works, Inc.

Sponsor: Fishel. Council Bill 2016-078. A special ordinance authorizing the City Manager, or his designee, to enter into an addendum to contract number 2015-0720 with Environmental Works, Inc., to install and maintain one additional monitoring well on public right-of-way to monitor groundwater conditions at no cost to the City.

Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue)

Sponsor: Ferguson. Council Bill 2016-079. A special ordinance approving the plans and specifications for the Mt. Vernon Street Widening (Orchard Crest Avenue to Suburban Avenue) project, Plan No. 2013PW0039T; accepting the bid of Hartman and Company, Inc., for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Sale of Real Property at 1102 North Rogers Avenue

Sponsor: Burnett. Council Bill 2016-080. A special ordinance approving the sale of real property at 1102 North Rogers Avenue to Affordable Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

Sale of Real Property at 1410 East Pacific Street

Sponsor: Burnett. Council Bill 2016-081. A special ordinance approving the sale of real property at 1410 East Pacific Street to Affordable Housing Action Board for \$12,500 and authorizing the issuance of a deed for same.

The following bill appeared on the agenda under Consent Agenda One Reading Bills:

Sanitary Sewer District No. 182 of Section No. 16

Sponsor: Ferguson. Council Bill 2016-082. A special ordinance to establish and define the boundaries and adopt the plat, plans, specifications, and sealed estimate of construction costs, and authorize acquisition of necessary right(s)-of-way, by purchase or condemnation thereof, for Sanitary Sewer District No. 182 of Section No. 16 of the main sewers of the City, located in the general vicinity of West Bypass and Division Street; further providing that all labor shall be paid the prevailing wages; and directing the City Manager, or his designee, to advertise for bids for the construction of said sewers.

Council Bill 2016-082. Special Ordinance 26713 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Consent Agenda Second Reading Bills:

Stormwater Improvements Atlantic Street

Sponsor: Burnett. Council Bill 2016-066. A special ordinance approving the plans and specifications for the Stormwater Improvements Atlantic Street (West of Glenstone Avenue) project, Plan No. 2015PW0005WT, accepting the bid of Hartman and Company, Inc., for that project; and authorizing the City Manager, or his designee, to enter into a contract with such bidder.

Council Bill 2016-066. Special Ordinance 26714 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

Planned Development

Sponsor: Fulnecky. Council Bill 2016-069. A special ordinance approving the

**District No. 228, 1320
East McClernon Street**

final development plan of Planned Development District No. 228 Amended, Lot 21, generally located at 1320 East McClernon Street (Planning and Zoning Commission and Staff recommend approval).

Council Bill 2016-069. Special Ordinance 26715 was approved by the following vote: Ayes: Fisk, Hosmer, Fulnecky, Ferguson, Schilling, Burnett, Fishel, McClure, and Stephens. Nays: None. Absent: None. Abstain: None.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 7:55 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Tom Smith
Assistant City Clerk